

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

1

The Minutes

JANUARY 29, 2001

- C031302 THE PEOPLE v. BARNUM (Certified for Partial Publication)**
The judgment is affirmed.
 MORRISON, J.
We concur: Nicholson, Acting P.J.
 Callahan, J.
- C035061 THE PEOPLE v. TERAN (Not for Publication)**
The judgment is affirmed.
 CALLAHAN, J.
We concur: Scotland, P.J.
 Blease, J.
- C031571 THE PEOPLE v. McCREADY (Not for Publication)**
The judgment of the trial court is affirmed.
 NICHOLSON, Acting P.J.
We concur: Callahan, J.
 Kolkey, J.
- C034427 THE PEOPLE v. BRADFORD (Not for Publication)**
The judgment is affirmed.
 SIMS, J.
We concur: Scotland, P.J.
 Blease, J.
- C036219 THE PEOPLE v. JUAREZ II (Not for Publication)**
The judgment is affirmed.
 NICHOLSON, J.
We concur: Davis, Acting P.J.
 Raye, J.
- C032747 SOUZA v. FURR et al., DEPT. OF CORRECTIONS (Not for Publication)**
The order of the trial court is affirmed. Plaintiff's motion for sanctions is denied. Plaintiff is to receive costs on appeal.
 NICHOLSON, J.
We concur: Blease, Acting P.J.
 Davis, J.
- C033828 EATON v. CITY OF GRASS VALLEY (Not for Publication)**
The judgment is affirmed. Respondent shall recover its costs on appeal. (Cal. Rules of Court, rule 26(a).)
 KOLKEY, J.
We concur: Blease, Acting P.J.
 Raye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

2

The Minutes

JANUARY 29, 2001, CONTINUED

- C033991 SPEAR v. H. POWER CORP. (Not for Publication)**
The judgment is affirmed.
 CALLAHAN, J.
I concur: Morriosn, Acting P.J.
I concur in the result: Hull, J.
- C036010 In re SILENA G., a Minor; DEPT. OF HEALTH & HUMAN SERVICES v.
SALLY M., et al. (Not for Publication)**
The orders terminating parental rights are reversed and the matter is
remanded to the juvenile court with instructions that it direct notice of the
proceedings either to BIA or to specific Apache tribes and then conduct a
new section 366.26 hearing.
 NICHOLSON, J.
We concur: Blease, Acting P.J.
 Raye, J.
- C035763 In re DERRICK G., a Minor; DEPT. OF HEALTH & HUMAN SERVICES
v. CHRISTIE R. (Not for Publication)**
The order of the juvenile court terminating appellant's parental rights is
affirmed.
 SIMS, J.
We concur: Scotland, P.J.
 Blease, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

3

The Minutes

JANUARY 30, 2001

- C031612** **THE PEOPLE v. VALDEZ, et al.** **(Certified for Partial Publication)**
C032849 The judgment against Valdez is reversed. The judgment against Lebron
is affirmed.
 DAVIS, J.
We concur: Blease, Acting P.J.
 Sims, J.
- C031982** **THE PEOPLE v. MESSAMORE** **(Not for Publication)**
The judgment is modified to stay the sentence on count V (♣417.3.) In all
other respects the judgment is affirmed. The trial court is directed to
prepare an amended abstract of judgment and to send a copy to the
Department of Corrections.
 DAVIS, J.
We concur: Callahan, J.
 Kolkey, J.
- C032131** **THE PEOPLE v. BERG** **(Not for Publication)**
The case is remanded for recomputation of defendant's presentence
credits; in all other respects, the judgment is affirmed.
 RAYE, J.
We concur: Blease, Acting P.J.
 Nicholson, J.
- C032360** **THE PEOPLE v. MacNEAL** **(Not for Publication)**
The judgment is affirmed.
 CALLAHAN, J.
We concur: Sims, Acting P.J.
 Morrison, J.
- C032766** **THE PEOPLE v. FAGAN** **(Not for Publication)**
The judgment is affirmed.
 CALLAHAN, J.
We concur: Blease, Acting P.J.
 Davis, J.
- C033950** **THE PEOPLE v. AUDETTE** **(Not for Publication)**
The judgment is reversed.
 BLEASE, J.
We concur: Scotland, P.J.
 Callahan, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

4

The Minutes

JANUARY 30, 2001, CONTINUED

- C034365 THE PEOPLE v. CORTEZ (Not for Publication)**
The judgment is affirmed.
 BLEASE, Acting P.J.
We concur: Raye, J.
 Hull, J.
- C035987 THE PEOPLE v. SMITH (Not for Publication)**
The judgment is modified to impose a consecutive one-third the midterm of two years, or eight months, doubled for the strike prior, for possession of marijuana for sale and to impose an addition \$50 criminal laboratory analysis fee (♣ 11372.5) and state and county penalty assessments of \$100 and \$70, respectively. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment that reflects these modifications and indicates that defendant was sentenced as a two-strike offender. The trial court is further directed to forward a certified copy of the amended abstract to the Department of Corrections.
 CALLAHAN, J.
We concur: Scotland, P.J.
 Hull, J.
- C031851 COORS BREWING CO. v. STROH, as Director, etc. (Certified for Publication)**
The petition for a peremptory writ of mandate is denied. Having served their purposes, the alternative writ and stay are discharged with the finality of this opinion. The parties shall bear their own costs. (Cal. Rules of Court, rule 56.4(a).)
 SCOTLAND, P.J.
We concur: Raye, J.
 Hull, J.
- C032241 ANTHEM LIFE INSURANCE CO. v. DAVIS, JOHNSON (Not for Publication)**
The judgment is modified to award 50 percent of the life insurance proceeds to Johnson and 50 percent of the proceeds to Davis. As modified, the judgment is affirmed. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 26(a).)
 SCOTLAND, P.J.
We concur; Sims, J.
 Hull, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

5

The Minutes

JANUARY 30, 2001, CONTINUED

- C032818 THE PEOPLE v. PARMAR et al. (Certified for Publication)**
The disqualification order is reversed. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 26(a).)
SCOTLAND, P.J.
We concur: Sims, J.
 Morrison, J.
- C033885 CALFARM INSURANCE CO. v. WOLF (Certified for Publication)**
The judgment is affirmed.
 DAVIS, Acting P.J.
We concur: Nicholson, J.
 Raye, J.
- C033913 DEBBER v. KALMAN (Not for Publication)**
The order denying Kalman's section 425.16 motion to strike is affirmed.
 DAVIS, J.
We concur: Blease, Acting P.J.
 Hull, J.
- C033937 DATA CONTROL CORP. et al. v. SCHWARTZ (Not for Publication)**
The order denying Schwartz's section 425.16 motion to strike is affirmed.
 DAVIS, J.
We concur: Blease, Acting P.J.
 Hull, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

6

The Minutes

JANUARY 31, 2001

- C030741 THE PEOPLE v. HENSLEY (Not for Publication)**
The judgment is affirmed.
 NICHOLSON, J.
We concur: Sims, Acting P.J.
 Morriosn, J.
- C031848 THE PEOPLE v. JIMENEZ (Not for Publication)**
The judgment of the trial court is affirmed.
 NICHOLSON, J.
We concur; Scotland, P.J.
 Callahan, J.
- C032036 THE PEOPLE v. LANG, JR. (Not for Publication)**
The judgment is affirmed.
 NICHOLSON, J.
We concur; Callahan, J.
 Hull, J.
- C032228 THE PEOPLE v. SANCHEZ (Certified for partial Publication)**
The conviction for second-degree murder is reversed. Defendant's other convictions and special findings are affirmed. The sentences are vacated, and the matter is remanded to the trial court for further proceedings.
 SCOTLAND, P.J.
We concur: Davis, J.
 Morrison, J.
- C032401 THE PEOPLE v. PIERSON et al. (Certified for Publication)**
As to Pierson, the judgment is affirmed. As to Dougherty, the judgment is reversed.
 MORRIOSN, J.
We concur: Sims, Acting P.J.
 Callahan, J.
- C032945 THE PEOPLE v. HAWKINS (Not for Publication)**
It is ordered that the opinion filed herein on January 3, 2001, be modified (see order for details). Defendant's petition for rehearing is denied.
By the Court: Sims, Acting P.J.
 Hull, J.
 Kolkey, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

7

The Minutes

JANUARY 31, 2001, CONTINUED

- C032959 THE PEOPLE v. DERMONT (Not for Publication)**
The judgment is affirmed.
 BLEASE, J.
We concur: Scotland, P.J.
 Hull, J.
- C032960 THE PEOPLE v. SOLORIO (Not for Publication)**
The judgment is affirmed.
 MORRISON, J.
We concur: Blease, Acting P.J.
 Kolkey, J.
- C033131 THE PEOPLE v. EPPS (Not for Publication)**
The judgment of the trial court is modified to impose fines pursuant to section 290.3 in the amount of \$200 as to count one and \$300 as to count two. As modified, the judgment is affirmed. The clerk of the superior court is ordered upon issuance of the remittitur to prepare a corrected abstract of judgment as set forth in this opinion and forward a copy to the Department of Corrections.
 NICHOLSON, J.
We concur: Scotland, P.J.
 Hull, J.
- C033690 THE PEOPLE v. DAWSON (Not for Publication)**
The sentence imposed on count two is stayed. As modified, the judgment is affirmed. The trial court shall prepare an amended abstract of judgment to reflect the stay imposed on count two and send a copy of the amended abstract to the Department of Corrections.
 HULL, J.
We concur: Scotland, P.J.
 Callahan, J.
- C034179 THE PEOPLE v. MONTROYA (Not for Publication)**
The judgment is affirmed.
 BLEASE, J.
We concur: Scotland, P.J.
 Callahan, J.
- C034250 THE PEOPLE v. MACKEY (Not for Publication)**
The judgment is affirmed.
 HULL, J.
We concur: Nicholson, Acting P.J.
 Raye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

8

The Minutes

JANUARY 31, 2001, CONTINUED

- C034824 THE PEOPLE v. LOMBARDI (Not for Publication)**
The judgment is affirmed.
 SIMS, J.
We concur: Scotland, P.J.
 Hull, J.
- C029865 EDWARDS etc. v. HANSEN et al. (Not for Publication)**
C031468 The judgment and the postjudgment orders are both affirmed.
 Respondents shall recover their costs on appeal.
 RAYE, J.
We concur: Blease, Acting P.J.
 Davis, J.
- C033137 CAMARGO v. CALIF. PORTLAND CEMENT CO. et al.**
 (Certified for Partial Publication)
The judgment is affirmed as to defendants O'Dell, Beeson, and Dominisse. The judgment is further affirmed as to defendant CPCC with respect to the dismissal of the third cause of action (intentional infliction of emotional distress). The judgment of dismissal is reversed as to defendant CPCC with respect to the first and second causes of action (sexual discrimination and sexual harassment). Defendants O'Dell, Beeson, and Dominisse shall recover their costs on appeal from plaintiff. Plaintiff shall recover her costs on appeal from defendant CPCC.
 SIMS, Acting P.J.
We concur: Raye, J.
 Hull, J.
- C033812 INYO CRUDE, INC. v. MORRISSETTE et al. (Not for Publication)**
The judgment is affirmed.
 CALLAHAN, J.
We concur: Morrison, Acting P.J.
 Kolkey, J.
- C034629 RENDA v. SACRAMENTO CITY UNIFIED SCHOOL DISTRICT**
 (Not for Publication)
The judgment is affirmed.
 SIMS, J.
I concur: Morrison, J.
I agree the judgment must be affirmed. (See concurring opinion)
 Scotland, P.J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

9

The Minutes

JANUARY 31, 2001, CONTINUED

C034832 INYO CRUDE, INC. v. MORRISSETTE et al. (Not for Publication)

The order is reversed, and the matter remanded to the trial court for proper allocation and award of attorney fees incurred in the contract-related causes of action. Plaintiff is awarded costs on appeal.

CALLAHAN, J.

We concur: Morrison, Acting P.J.
 Kolkey, J.

C034902 DEBBER et al. v. HUNYADA (Not for Publication)

The order granting Hunyada's section 425.16 motion to strike Debber's cross-complaint is reversed. The parties shall pay their own costs on appeal.

DAVIS, J.

I concur: Hull, J.

I concur on the ground the allegations of slander are not individually before us.

Blease, Acting P.J.

C034358 In re AMANDA J., a Minor; CHILDREN'S SERVICES DIVISION v. TERI J. (Not for Publication)

The appeal is dismissed.

MORRISON, J.

We concur: Nicholson, Acting P.J.
 Callahan, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

10

The Minutes

February 1, 2001

C033591 BURROUS v. NORTHERN QUEEN INN (Not for Publication)

The judgment is reversed with directions to vacate the order granting summary judgment and to enter an order denying the motion. Defendant shall pay plaintiff's costs of this appeal.

MORRISON, Acting P.J.

We concur: Callahan, J.

Hull, J.

There were no further minutes for this date.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

11

The Minutes

February 2, 2001

C029575 THE PEOPLE v. RIGGS (Certified for Partial Publication)
The judgment is affirmed.
 RAYE, J.
I concur: Morrison, J.
I both concur and dissent: Blease, Acting P.J.
(See concurring and dissenting opinion for details.)

There were no further minutes for this date.